

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

MICHAEL RAY SHARROCK and)
MAUREEN SHARROCK,) Case No.
)
Plaintiffs,) Removed from the Circuit Court for
) Vernon County, Missouri,
OMEGA FLEX, INC., a foreign corporation,) No. 21VE-CV00200
)
Defendant.) **JURY TRIAL DEMANDED**

DEFENDANT OMEGA FLEX, INC.'S NOTICE OF REMOVAL

Defendant Omega Flex, Inc. ("Removant"), by and through undersigned counsel, hereby files this notice to remove the above-captioned matter from the Twenty-Eighth Judicial District Circuit Court, Vernon County, State of Missouri, to the United States District Court for the Western District of Missouri, pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446(a), because there is complete diversity of citizenship between the parties and the matter in controversy exceeds \$75,000.00. In support thereof, Removant represents to this Court as follows:

1. The above-captioned matter was commenced in the Twenty-Eighth Judicial District Circuit Court in Vernon County, State of Missouri, by Plaintiffs filing their Complaint on or about April 16, 2021. The matter was docketed as Civil Case No. 21VE-CV00200. Service of Process for the Summons and Complaint was made on May 4, 2021 via Summons dated April 21, 2021. *See Exhibit A.* Therefore, Removant timely files this Notice of Removal within thirty (30) days from and after the date of the Service of Process upon it in said action, as required by 28 U.S.C. Section 1446(b).

2. Plaintiffs, Michael and Maureen Sharrock, are the owners of the home at issue located at 16039 S. 1100 Road, Nevada, Missouri, 64772. The Complaint alleges that on May 7, 2019, a fire erupted and caused substantial damage to Mr. and Mrs. Sharrock's home. The

Plaintiffs allege an Omega Flex, Inc. product caused the fire. *See* Complaint at ¶¶ 11, 13, 22 and 30.

3. Complete diversity of citizenship exists between Plaintiffs and Omega Flex, Inc.

4. Michael and Maureen Sharrock, the alleged real parties in interest, are individuals residing in the state of Missouri. *See* Complaint at ¶ 1.

5. Omega Flex, Inc. is the named Defendant, and it was, at the time Plaintiffs' cause of action accrued, and is now, a corporation incorporated in the State of Pennsylvania with its principal place of business at 451 Creamery Way, Exton, Pennsylvania 19341. *See* Complaint at ¶ 2.

2. The Defendant is not a citizen of the State of Missouri.

6. Although the Plaintiffs' Complaint does not specify the exact amount in controversy, Omega Flex reasonably believes that the amount in controversy will exceed the sum or value of \$75,000, exclusive of interests and costs. Omega Flex bases this belief on Plaintiffs' allegation that the Sharrocks' personal property and house sustained extensive damage by the fire and a 2015 listing of the Sharrocks' home, providing prices for the property at \$192,000.00. A copy of this 2015 listing is attached hereto as **Exhibit B**. *See also* Complaint at ¶ 10. Further, the Notice of Loss estimated total damages at \$500,000. *See* Notice of Loss, attached hereto at **Exhibit C**. Therefore, Removant has met its burden of proof that the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

7. Concurrent with the filing of this Notice, Removant is serving this Notice on Plaintiffs' counsel and filing a copy of the same with the Clerk of the Twenty-Eighth Judicial District Circuit Court in Vernon County, State of Missouri.

8. The United States District Court for the Western District of Missouri embraces the county in which the State Court action was brought. Venue is therefore proper for this Notice of Removal under 28 U.S.C. §§ 88 and 1446(a).

9. Removant files herewith a true copy of all process, pleadings, and orders served upon it in such action, same consisting of (1) Notice, Summons and Complaint (**Exhibit A**).

10. By filing this notice, Removant does not waive any defenses in Rule 12, Fed. R. Civ. P.

WHEREFORE, Omega Flex, Inc. respectfully requests that the Court remove the above-captioned action now pending against it in the Twenty-Eighth Judicial District Circuit Court in Vernon County, State of Missouri, to the United States District Court for the Western District of Missouri, wherein it shall proceed as an action originally commenced therein.

Respectfully submitted this 2nd day of June, 2021.

**GORDON REES SCULLY
MANSUKHANI, LLP**

/s/ Katherine Doll Putnam
Katherine Doll Putnam, 63786MO
211 North Broadway, Suite 2150
St. Louis, MO 63102
Telephone: (314) 665-1304
Facsimile: (314) 338-3076
kputnam@grsm.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2021, a copy of the foregoing document was filed electronically with the Clerk of the Court using the Court's CM/ECF electronic filing system, which will send an electronic copy of this filing to all counsel of record.

/s/ Katherine Doll Putnam